

MAR-26-02 TUE 13:15

JOHN W HATHAWAY PLLC

FAX NO. 2648144

P. 04/18

087443-204

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## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO.

CONRAD O GARDNER  
2600 2ND AVENUE  
SUITE 2103  
SEATTLE WA 98121MAR 11  
EXAMINER

ART UNIT

PAPER NUMBER

04/20/02

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

## OFFICE ACTION SUMMARY

- Responsive to communication(s) filed on Oct. 28, 1996
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11: 453 O.G. 213.

A shortened statutory period for response to this action is set to expire Three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- Claim(s) 1-25 is/are pending in the application.
- Of the above, claim(s) 1-11, 15-25 is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 12-14 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- Notice of Reference Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

162  
- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

PTO-326 (Rev. 10/95)

\* U.S. GPO 1020-405-040-40020

Received from &lt;2648144&gt; at 3/26/02 4:13:40 PM [Eastern Standard Time]

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-2-

Serial Number: 443204

Art Unit: 3106

Claims 1-11 and 15-25 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to nonelected inventions. Election was made without traverse in Paper No. 10.

Claims 12-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims fail to clearly define the relationship between the exhaust emission comparator, the information super highway, and the exhaust emission analyzer. The exhaust emission comparator and the information super highway are not part of the vehicle itself as implied by the claims. The vehicle operation in response to the data received by the information super highway has not been recited.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the

163

-3-

Serial Number: 443204

Art Unit: 3106

invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 12-14 are rejected under 35 U.S.C. § 103 as being unpatentable over Gardner '464 in view of Kelly.

Gardner '464 discloses a vehicle having an internal combustion engine and an emission analyzer (see Fig. 2) for analyzing the exhaust gases. Kelly discloses a remote transmitting system 16 which is designed to disable the engine of a vehicle by transmitting a signal to a receiver 16 located on the vehicle. The remote transmitting system and operator functions as an information super highway which would disable the vehicle in response to a particular operational characteristic of the vehicle such as speeding.

It would have been obvious to provide the vehicle of Gardner '464 with a receiver for receiving a controlling signal from an external source as taught by Kelley, in order to permit selective disablement of the vehicle drive means.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kirtley et al shows remote means for disabling the drive means of a vehicle in response to certain vehicle operating conditions.

Hosaka et al shows a gas emission analyzer and a system responsive to the output of the gas emission analyzer.

MAR-26-02 TUE 13:16

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FAX NO. 2648144

P. 07/18

-4-

Serial Number: 443204

Art Unit: 3106

Pagliaroli et al and Reggiani show a vehicle mounted disablement system controlled by a remote system, each having a transmitter and a receiver.

Any inquiry concerning this communication should be directed to Michael Mar at telephone number (703) 308-2087.

M Mar

1-16-97

BRIAN L. JOHNSON  
SUPERVISORY PATENT EXAMINER  
GROUP 3100